SERVED: April 23, 1993

NTSB Order No. EA-3865

UNITED STATES OF AMERICA NATIONAL TRANSPORTATION SAFETY BOARD WASHINGTON, D.C.

Adopted by the NATIONAL TRANSPORTATION SAFETY BOARD at its office in Washington, D.C. on the 14th day of April, 1993

JOSEPH M. DEL BALZO, Acting Administrator,

Federal Aviation Administration,

Complainant,

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v.

SUZETTE COWLEY,

Respondent.

Docket SE-11335

ORDER DISMISSING RESPONDENT'S MOTION FOR RECONSIDERATION OR MODIFICATION

By Order EA-3779, served February 5, 1993, the Board denied respondent's appeal in this proceeding by affirming the law judge's initial decision sustaining the Administrator's allegations that she had violated sections 121.315(c) and 91.9 of the Federal Aviation Regulations ("FAR," 14 C.F.R.) in connection with an incident occurring on April 10, 1988. We also affirmed a 30-day suspension of respondent's airline transport pilot (ATP) certificate, which had been ordered by the Administrator and upheld by the law judge. On March 14, 1993, respondent, through counsel, filed with the Board and served upon the Administrator a letter, by which she requested that we reconsider the sanction imposed against her and asserted that the suspension should apply

solely to her ATP privileges. We consider respondent's letter to be a motion for reconsideration or modification of Order EA-3779, which, for the reasons stated below, we will dismiss.

The Board's Rules of Practice require that petitions for rehearing, reargument, reconsideration or modification of its orders be filed with the Board within 30 days of service of the order. As the Administrator has pointed out in his reply brief, respondent's motion was filed and served more than 30 days after the service of Order EA-3779. Consequently, that motion was not timely and it will not, therefore, be entertained.

ACCORDINGLY, IT IS ORDERED THAT:

Respondent's motion for reconsideration or modification of Order EA-3779 is dismissed.

VOGT, Chairman, COUGHLIN, Vice Chairman, LAUBER, HART, and HAMMERSCHMIDT, Members of the Board, concurred in the above order.

¹In effect, respondent now asks the Board to order the Administrator to issue her a temporary commercial airman certificate for the 30-day period covered by the suspension. We must, however, point out that she never argued in connection with her appeal of the initial decision that the Administrator's 30-day suspension of all of her airman privileges was improper or that the law judge erred in sustaining that sanction.

²A reply brief opposing respondent's motion has been filed by the Administrator.

³49 C.F.R. § 821.50(b).

⁴Respondent's motion was not accompanied by a request for leave to have it accepted out of time. Under the Board's Rules of Practice, an extension of time for filing a petition for reconsideration may be obtained only on a showing of "extraordinary circumstances." 49 C.F.R. § 821.11.